Flaws in the Juvenile Justice Act

1317. SHRI K. KALAVENKATA RAO:

SHRIMATI VANGA GEETHA:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether Section 41(6) of the Juvenil Justice Act was detrimental to the interest of millions of children who could be exploited in the guise of adoption; and

(b) if so, the steps taken to correct flaws in the Act by omitting vague provisions?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI SATYABRATA MOOKHERJEE): (a) No, Sir.

(b) Does not arise.

Stringent Laws against Child Rape

1318. SHRI PRASANTA CHATTERJEE: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether Government are aware that the incidents of rape, particulaily child rape, are rising at an alarming rate in the country;

(b) if so. Government's reaction thereto; and

(c) whether Government propose to come up with more stringent laws and also create public opinion against culprits found guilty of rape charges?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI SATYABRATA MOOKHERJEE): (a) No, Sir. The All India incidents of rape in the last three years are as foUows:-

1999-15,468

2000-16,496

2001-15,264

Jan-June 2002-7,483

(b) and (c) Section 376 of India Penal Code, 1860 provides punishment for rape including child rape ranging from a minimum of seven years to life imprisonment with fine. However, the Court may, for adequate and special reasons to be mentioned in the judgment impose sentence of imprisonment for a term less than seven yean;. The Law Commission of India, in its 172nd Report, has recommended changes for widening the scope of offence in Section 375 of the Indian Penal Code, I860 and to make it gender neutral. Various other changes have been recommended in Section 376, 376A to

376D. The Commissipn has also recommended insertion of a new Section 376E dealing with unlawful sexual contact. As the Criminal' Law is on the Concurrent List of the Seventh Schedule to the Constitution of India, the State Governments have been requested for their views on the recommendations of the Law Commission. The Government has also set up a Committee under the Chairmanship of Dr. Justice V. S. Malimath, formerly Chief Justice of Karnataka and Kerala High Courts to consider measures for revamping the Criminal Justice System and to make recommendations for the consideration of the Government. The Committee has, *inter-alia,* been mandated to examine whether there is a need to re-write the Code of Criminal Procedure, 1973, the Indian Pena! Code, 1860 and the Indian Evidence Act, 1872 to bring them in tune with the demand of times and in harmony with the aspirations of the people.

Practice of carrying night soil on head

1319. SHRIMATI VANGA GEETHA: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether the Chairperson of the National Human Rights Commission has asked the Prime Minister to take steps to ensure that inhuman and degrading practice of carrying night soil on head is stopped at the earliest;

(b) whether any steps have been taken to end this practice in a time bound programme; and

(c) if so, the details in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI SATYABRATA MOOKHERJEE): (a) to (c) Yes, Sir. In this regard, a draft "National Action Plan for Total Eradication of Manual Scavenging by 2007" has been prepared to amalgamate the different schemes pertaining to the liberation and rehabilitation of scavengers and to speed up the process. It will be finalized soon.

Inclusion of certain communities in the SC list

†1320. PROF. RAM DEO BHANDARY: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether on the basis of the report of Joint Select Committee, the synonym of 'Paan' are given 'Tanti' and 'Tatbe' in annexure related to Bihar

†Original notice of the question was received in Hindi.